

EXHIBIT 3

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 -----
4 VITALIANO HERNANDEZ GARCIA and OSCAR ARMANDO LEMOS
5 MARTINEZ, on behalf of themselves and
6 others similarly situated,

7 Plaintiff,

8 -against-

Case No. 7:13-CV-1505 (VB)

9 FOUR BROTHERS PIZZA, INC., D.F.B.P. INC., HFPB, INC.,
10 VELSPIR ENTERPRISES, INC., MFBP, INC., P.F.B.P. INC.,
11 C.& V. STEFANOPOULOS, INC., VFBP, INC., PETER
12 STEFANOPOULOS, in his individual capacity, WILLIAM
13 STEFANOPOULOS, in his individual capacity, GEORGE
14 STEFANOPOULOS, in his individual capacity, CHRISTO
15 STEFANOPOULOS, in his individual capacity, and CHRIS
16 STEFANOPOULOS, in his individual capacity,

17 Defendants.
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STENOGRAPHIC MINUTES OF DEPOSITION

conducted of Plaintiff VITALIANO HERNANDEZ
GARCIA, on January 15, 2014, at the offices of
Robinson & Cole, 111 Washington Avenue, Suite
300, Albany, New York, commencing at
10:30 a.m.; before ELLEN J. FRANKOVITCH, a
Shorthand Reporter and Notary Public within
and for the State of New York.

1 Inc.?

2 A. Around 2003.

3 Q. Did you work for Four Brothers Pizza restaurant?

4 A. Yes.

5 Q. Were you not employed at the farm owned by William
6 Stefanopoulos?

7 MR. CHARNY: Object as to form.

8 A. I worked in both places.

9 Q. Tell me when you first came to work for William
10 Stefanopoulos.

11 A. Excuse me?

12 Q. Was it also in 2003?

13 A. It's the same restaurants and the farm.

14 Q. I'm confused. There is a farm; correct?

15 A. Yes.

16 Q. What were your duties on the farm?

17 A. I took care of animals and property. Everything.

18 Q. How many hours did you work on the farm?

19 A. I worked 12 hours whether in the restaurant or the
20 farm.

21 Q. I need to be very specific about the hours that he
22 worked on the farm.

23 MR. CHARNY: I object to the form.

24 MS. MOORE: Excuse me. What's wrong with
25 the form of the question?

1 MR. CHARNY: It's not a question.

2 MS. MOORE: Let me rephrase it.

3 But for the purposes of this deposition,
4 I don't think that's an appropriate objection.

5 MR. CHARNY: It's the only appropriate
6 objection.

7 BY MS. MOORE:

8 Q. Mr. Hernandez, how many hours did you work taking
9 care of the animals in the farm in a given work
10 week?

11 A. I worked eight to ten hours on the farm, and the
12 rest in the restaurant.

13 Q. Can you tell me when you began your work on the
14 farm each day?

15 A. When I worked in 2003, I worked on the farm.

16 Q. Exclusively?

17 A. No, farm and the restaurant. The two.

18 Q. I would like to turn your attention to the time
19 period 2007 forward. Do you understand that?

20 A. Yes.

21 Q. Okay. Describe for me what your normal workday was
22 on the farm.

23 A. A typical day?

24 Q. Yes.

25 A. Only on the farm?

1 Q. Yes.

2 A. Monday, Tuesday, Wednesday, Thursday and Friday.

3 Saturday and Sunday half-days.

4 Q. Okay. On Monday, when did you begin work at the
5 farm?

6 A. 10:30.

7 Q. And on Tuesdays, when did you begin work on the
8 farm?

9 A. Some days 10:30 and some days at 8:00.

10 Q. That's a.m.?

11 A. Yes.

12 Q. On Wednesdays, when did you begin work at the farm?

13 A. At 8:00.

14 Q. On Thursdays, when did you begin work at the farm?

15 A. 8:00.

16 Q. On Fridays?

17 A. 10:30.

18 Q. Saturday?

19 A. 10:30.

20 Q. And Sunday?

21 A. 10:30.

22 Q. When did you finish work at the farm on Mondays?

23 A. 7:30, 8:00 at night.

24 Q. When did you finish work on Tuesdays at the farm?

25 A. The same hour.

1 Q. On Wednesdays, when did you finish working on the
2 farm?

3 A. From Monday to Thursday, the same time.

4 Q. Okay. Friday, Saturday and Sunday the same time
5 also?

6 A. No.

7 Q. Tell me about Friday.

8 A. 2:00.

9 Q. Saturday?

10 A. The same.

11 Q. Sunday?

12 A. The same.

13 Q. During the time that you were working on the farm,
14 did you perform duties at the restaurant?

15 A. Yes.

16 Q. Tell me when you performed services on Mondays at
17 the restaurant.

18 A. Half-day, because I worked at the pizza place that
19 had a break.

20 MR. CHARNY: There is a translation
21 problem.

22 THE INTERPRETER: I'm sorry.

23 MR. CHARNY: If you don't mind, try
24 again.

25 MS. MOORE: I'm not sure what question I

1 asked any longer.

2 Could you read it back.

3 (The following question was read back by
4 the Court Reporter: "Tell me when you
5 performed services on Mondays at the
6 restaurant.")

7 THE WITNESS: I worked half-days
8 because -- I'm sorry.

9 When I worked for the pizza place I was
10 resting.

11 THE INTERPRETER: Sorry on that one.

12 MR. CHARNY: One moment, please.

13 MS. MOORE: I think I understand his
14 testimony.

15 MR. CHARNY: Would you read back the
16 answer, please.

17 MS. MOORE: I can ask a clarifying
18 question, anyway.

19 (The following answer was read back by
20 the Court Reporter: I worked half-days
21 because -- I'm sorry. When I worked for the
22 pizza place I was resting.")

23 BY MS. MOORE:

24 Q. It's your testimony that you took a break from the
25 farm work that you were performing to go to the

1 restaurant and work there?

2 A. Yes.

3 Q. How many hours did you work on Mondays in the
4 restaurant?

5 A. Between four and six hours.

6 Q. So am I correct that you would start working at the
7 farm, then leave the farm and go to the restaurant
8 to begin work?

9 A. Yes.

10 Q. And then you would -- would you finish out your day
11 in the restaurant or would you go back to the farm
12 to do more work?

13 A. In the afternoons, I would go back to the farm to
14 feed the animals and then go back to the
15 restaurant.

16 MR. CHARNY: One moment, please.

17 (A pause was taken in the proceedings.)

18 MR. CHARNY: I'm being told that he said
19 on Mondays he would good back to the farm.

20 MS. MOORE: We are talking about Mondays,
21 so did we say something different on the
22 record?

23 MR. CHARNY: One moment please.

24 (A pause was taken in the proceedings.)

25 MR. CHARNY: The answer didn't include

1 the word "Monday."

2 MS. MOORE: Okay. Well, I'm sorry. I
3 think we all understood it was Monday, but
4 thank you for that clarification.

5 BY MS. MOORE:

6 Q. On Tuesdays, what was your work schedule like?

7 A. Twelve hours on the farm.

8 Q. On Wednesdays, what was your work schedule like?

9 A. Also on the farm.

10 Q. On Thursdays, what was your work schedule like?

11 A. Thursday was my day off.

12 Q. On Fridays what was your work schedule like?

13 A. Morning that day at the farm and afterwards to the
14 restaurant.

15 Q. Was that after 2:00 p.m.?

16 A. Yes.

17 Q. How many hours did you work at the restaurant on a
18 Friday?

19 A. Six hours.

20 Q. On Saturdays, what was your work schedule like?

21 A. Same. Friday, Saturday, Sunday.

22 Q. So you worked on the farm from 10:30 to 2:00, and
23 then you went to the restaurant and worked six
24 hours?

25 A. Yes.

1 Q. And that house is next door to Four Brothers Pizza
2 restaurant in Amenia, New York; is that correct?

3 A. Yes.

4 Q. You said you lived in a room in that house?

5 A. Yes. I lived there with four people.

6 Q. Four people total?

7 A. Yes.

8 Q. How long did you live in that house?

9 A. Almost three years.

10 Q. Did you live with your family there?

11 A. No, just me.

12 Q. Who else lived in that house with you while you
13 lived there, if you recall?

14 A. Sergio, Hugo. I don't remember the name of the
15 other man.

16 Q. Okay. Thank you.

17 When you worked on the farm during the days
18 when you were exclusively at the farm, were you
19 provided lunch?

20 A. Yes.

21 Q. Were you provided breakfast?

22 A. No, only lunch.

23 Q. What about dinner?

24 A. Yes.

25 Q. So two meals per day?

1 A. Yes.

2 Q. Were you provided housing in your position on the
3 farm?

4 A. No.

5 Q. Where did you live?

6 A. I rented a room. I -- first I received housing in
7 a small room, but then I rented a room myself.

8 Q. Did you rent it from your employer?

9 A. Yes.

10 Q. How much rent did you pay?

11 A. Four hundred.

12 (Defendant Exhibit 1 was marked for
13 identification.)

14 Q. Mr. Hernandez, I'm going to hand you what's been
15 marked as Defendant's Exhibit 1 and ask you if you
16 recognize that photograph.

17 A. Yes.

18 Q. Can you tell me, is that where you lived when you
19 were employed on the farm?

20 A. Yes, here (indicating).

21 Q. And you are directing your attention to the white
22 house, the small portion on the left-hand side of
23 the white house to the left of the red van. Is
24 that correct?

25 A. Yes, by the car.

1 Q. Can you describe for me the interior of that house?

2 A. Yes.

3 Q. Can you tell me what it looked like? How many
4 bedrooms were there?

5 A. Okay. You enter in the living room. There's a
6 kitchen and one bedroom.

7 Q. Is that it?

8 A. The living room, the room and a kitchen.

9 Q. So a living room, a bedroom and a kitchen?

10 A. Yes.

11 Q. Is there a bathroom?

12 A. Yes.

13 Q. Did you pay for your own utilities when you rented
14 from your employer?

15 A. Yes.

16 Q. Was that included in your rent or did you have to
17 pay more?

18 A. It was separate.

19 Q. What did you pay for specifically?

20 A. The rent.

21 Q. And with regard to utilities, what utilities are
22 included in what you paid extra for?

23 A. Telephone, cable, electricity.

24 Q. How about heat?

25 A. It was electric light. It was included with the

1 light.

2 Q. What kind of heat did the house have?

3 A. Electric.

4 Q. Did you keep any copies of the bills that you paid
5 for your utilities?

6 A. Yes, I have them, but not here.

7 Q. Who lived in the house with you, if anyone?

8 A. My wife and children.

9 Q. How many children?

10 A. Two children and a nephew.

11 Q. Did your nephew pay part of the rent?

12 A. No, he didn't pay.

13 Q. Prior to living in the house that is depicted in
14 the photograph that's been marked Defendant's
15 Exhibit 1, where did you live while employed by the
16 farm?

17 MR. CHARNY: Objection to the form of the
18 question.

19 Q. You can answer.

20 MR. CHARNY: Hold on one moment, please.

21 (A pause was taken in the proceedings.)

22 MR. CHARNY: Okay, I'm sorry.

23 BY MS. MOORE:

24 Q. He can answer.

25 A. Where did I live before?

1 Can you repeat the question?

2 Q. Yes. You testified earlier, I believe, that you
3 had a room that you rented and then you moved into
4 the house that's depicted on this photograph that's
5 been marked as Defendant's Exhibit 1. Am I
6 correct?

7 A. Yes.

8 Q. Where was that room?

9 A. On the side of the restaurant.

10 (Defendant Exhibit 2 and Exhibit 3 were
11 marked for identification.)

12 Q. Mr. Hernandez, I am going to show you what's been
13 marked Defendant's Exhibit 2 and ask you if you
14 recognize that house.

15 A. Yes. This house, I do.

16 Q. Do you know who lived in that house?

17 A. Yes.

18 Q. Who?

19 A. Guillermo.

20 Q. I'm going to hand you what's been marked as
21 Defendant's Exhibit 3 for identification purposes.

22 Do you recognize that house?

23 A. Yes.

24 Q. What is that house?

25 A. Where I lived before, first.

1 A. Yes.

2 Q. Can you tell me how often Oscar worked on the farm?

3 A. Yes.

4 Q. How often?

5 A. Three or four days per week.

6 Q. Do you know when Oscar started working on the farm?

7 A. I don't remember the date.

8 Q. Do you know when Oscar started working at Four
9 Brothers in Amenia?

10 A. I don't remember the year and the date.

11 Q. Do you know how long Oscar worked for Four Brothers
12 Pizza restaurant in Amenia?

13 A. About four years. I'm not sure.

14 Q. Four years; is that your testimony?

15 A. Yes. I don't remember very well.

16 Q. When did you first meet Oscar?

17 A. I don't remember the date, but when he started to
18 work, that is when I met him.

19 Q. Does 2011 sound familiar?

20 A. No, it was before.

21 Q. Before that; you're certain?

22 A. Yes.

23 Q. Where did Oscar live?

24 A. In this house (indicating).

25 Q. The photograph that's been marked as Defendant's

1 Exhibit 2?

2 A. Yes.

3 Q. You say that Oscar worked on the farm three to four
4 days a week; is that your testimony?

5 A. Yes.

6 Q. And what is it that Oscar did on the farm?

7 A. He helped with animals; he helped me cut the grass.

8 Q. Anything else?

9 A. Garden, painting.

10 Q. How many hours a day did he work in the three to
11 four days a week that he worked on the farm?

12 A. Sometimes he worked every day, half-day.

13 Q. How many hours is a half a day?

14 A. Six hours.

15 Q. How many -- and how many years did Oscar work three
16 to four days a week at the farm?

17 THE INTERPRETER: Two years, and then he
18 just stayed in the restaurant cleaning
19 tables...

20 MR. CHARNY: Busboy.

21 THE INTERPRETER: Oh, busboy.

22 BY MS. MOORE:

23 Q. So Oscar was a busboy at the Amenia restaurant?

24 A. Yes.

25 Q. Do you recall when he started working exclusively

1 at the Amenia restaurant?

2 A. No.

3 Q. Is it your testimony that Oscar performed busboy
4 services exclusively at the Amenia restaurant?

5 A. Yes.

6 MR. CHARNY: That wasn't the question.

7 It's busboy exclusively. That was the key
8 part of the question.

9 THE INTERPRETER: Oh, sorry.

10 (Translates question to deponent.)

11 No, he also washed dishes.

12 BY MS. MOORE:

13 Q. What percentage of the time did Oscar spend washing
14 dishes as opposed to busing tables?

15 A. He washed dishes in the afternoon until it stopped
16 being busy.

17 Q. Can you tell me how many hours Arturo worked on the
18 farm?

19 A. He worked about, sometimes 12 hours; I'm saying
20 that sometimes six hours, the same as me. We
21 worked together.

22 Q. Every day?

23 A. Yes.

24 Q. Do you remember when Arturo worked on the farm,
25 what years?

1 A. No.

2 Q. You have no idea, as you sit here today?

3 A. No, I don't have. I don't know.

4 Q. Was it more than two years ago?

5 A. Yes.

6 Q. Was it more than four years ago?

7 A. No, about four years.

8 Q. About four years ago?

9 A. About four years ago.

10 Q. What is it that Arturo did on the farm?

11 A. The same. He helped me with the animals, all the
12 work on the farm.

13 Q. Did you receive a paycheck from the farm each week?

14 A. No. I just signed checks, but they paid me in
15 cash.

16 Q. Did you receive a separate check -- strike that.

17 Did you actually receive a check?

18 MR. CHARNY: Objection to the form of the
19 question.

20 You can answer it if you understand it.

21 A. Okay. I signed two checks, but they paid me in
22 cash.

23 Q. But you received two checks; one from the farm and
24 one from the restaurant?

25 MR. CHARNY: I object to the form of the

1 question.

2 Q. You can answer.

3 A. Can I answer the question?

4 Q. Yes.

5 A. What did you say?

6 Q. I believe your testimony is that you received two
7 checks; is that correct?

8 MR. CHARNY: That --

9 MS. MOORE: Well, he was shaking his head
10 yes.

11 MR. CHARNY: Objection to the form of the
12 question.

13 MS. MOORE: Okay.

14 Q. Mr. Hernandez, did you see two checks each week?

15 A. At the beginning, no. But afterward, yes, I signed
16 two checks.

17 Q. You signed two checks; is that your testimony?

18 A. Yes.

19 Q. And was one of those checks for the work you did on
20 the farm?

21 MR. CHARNY: I object to the form of the
22 question.

23 Q. And you have to answer yes or no.

24 A. Yes.

25 Q. And was one of those checks for work that you

1 performed at the restaurant?

2 A. Yes.

3 MR. CHARNY: I object to the form.

4 Q. Did you have a bank account during the time you
5 worked for the farm?

6 A. No.

7 Q. If you got a check, where would you cash it?

8 MR. CHARNY: Objection to the form of the
9 question.

10 MS. MOORE: What's wrong with the form of
11 that question: If you got a check, where
12 would you cash it?

13 I just want to make sure I don't miss a
14 key question here.

15 MR. CHARNY: It calls for speculation.
16 He never got a check from these guys; he only
17 got paid cash. If he got a check, he could
18 tell you what he would have done with it. He
19 can't tell you what he would have done with it
20 at the time if he didn't get a check.

21 MS. MOORE: Well, that's not his
22 testimony, but I'll ask another question. His
23 testimony is he signed two checks.

24 MR. CHARNY: Over to the brothers and
25 then he got paid cash.

1 Q. How?

2 A. On signing it, I saw it.

3 Q. But what was the amount of the check that you saw?

4 A. I signed it for the farm. I had 300. For the
5 restaurant, it was 90 or 120; it varied.

6 Q. For the farm it was 300?

7 A. Three hundred, I signed the check for.

8 Q. Did you receive 300 in cash?

9 A. No. The last one I received was 575.

10 Q. So it was more than 300?

11 A. When I began to work, I received 300. And then as
12 it went along, it grew. It got bigger.

13 Q. My question is whether or not the amount that was
14 shown on the face of the check was equal to the
15 amount of the cash that you were given.

16 A. No, I received more.

17 Q. You received more cash than the check?

18 A. Yes.

19 Q. Thank you.

20 To whom did you report when you worked at the
21 Amenia restaurant?

22 A. Billy.

23 Q. Let me back up for a second.

24 You said you had received more in cash than
25 was on the face of the check; is that correct?

1 A. Yes.

2 Q. How much more?

3 A. Two hundred more.

4 Q. So when you were making 575 on a check, were you
5 actually being paid \$775?

6 MR. CHARNY: Hold on.

7 Objection to the form of the question.

8 Q. You can answer.

9 A. No. When I said I received 575, that's what I
10 received. Not more.

11 Q. So -- and that was for work at both the restaurant
12 and the farm?

13 A. Yes.

14 Q. Earlier you referred to checks with a face value of
15 90 to \$120; do you recall that?

16 A. Yes.

17 Q. Did you receive the amount in cash?

18 A. No, I just signed the checks. I didn't receive
19 anything from the checks.

20 Q. You didn't get cash in exchange for the check?

21 A. No.

22 Q. How did you get the cash?

23 A. Okay. I signed the checks simply, and then I would
24 give it to the boss.

25 Q. So when would you get the cash?

1 A. I received weekly pay. The check was only to sign
2 it; I didn't get money from the check.

3 Q. Let's ask it a different way.

4 How much cash were you paid each week at the
5 time your employment ended?

6 A. Five hundred seventy-five.

7 Q. Thank you.

8 Are you familiar with an individual by the
9 name of Elias Hatzijannis?

10 A. He's the manager.

11 Q. Of?

12 A. In Amenia.

13 Q. He's the manager in Amenia?

14 A. Yes.

15 Q. What do you mean by manager? What did he do?

16 A. He's in charge of the restaurant.

17 Q. Do you know how long he's worked there?

18 A. No.

19 Q. Did he work there the entire time you performed job
20 duties at the Amenia restaurant?

21 A. Yes, the whole time.

22 Q. Did he tell you what to do when you were working at
23 the restaurant?

24 A. Yes.

25 Q. Did he tell you when he needed you to work?

1 A. Yes.

2 Q. Did he tell you if he didn't need you to work?

3 A. Yes.

4 Q. Did he tell you whether you should make pizzas or
5 wash the dishes?

6 A. Yes.

7 Q. So he directed your job duties; is that correct?

8 A. Yes.

9 Q. How did you get an increase in your compensation?

10 A. As you learned, it would go up.

11 Q. Okay. So that was just something that you were
12 given or did you ask for it?

13 A. Given.

14 Q. I'm going to hand you a piece of paper,
15 Mr. Hernandez, and ask if you can draw me a diagram
16 of the layout of the Amenia restaurant. It doesn't
17 have to be perfect.

18 A. (Witness complies with request.)

19 (There was a discussion off the record.)

20 (Defendant Exhibit 4 was marked for
21 identification.)

22 Q. Mr. Hernandez, I'm going to hand you what has been
23 marked as Defendant's Exhibit 4 for identification
24 purposes. It looks like you have drawn for me a
25 diagram of the entire complex where the Four

1 Q. Can you mark for me where the kitchen is?

2 A. (Witness complies with request.)

3 Q. Can you show me where the door to the kitchen is?

4 A. (Witness complies with request.)

5 Q. How would you get into the kitchen from the
6 restaurant?

7 A. (Witness complies with request.)

8 Q. Is there a pizza oven in that restaurant? If so,
9 could you put it on the diagram?

10 A. (Witness complies with request.)

11 Q. That's the pizza oven? Okay. Is there a bar in
12 that restaurant?

13 MR. CHARNY: What did he just say.

14 A. Is in the same place in the dining room.

15 Q. Did you ever punch a time clock when you were in
16 that building?

17 A. No.

18 Q. Do you know where the time clock is?

19 A. No.

20 Q. Did you ever work in the Dover Plains Four Brothers
21 Pizza restaurant?

22 A. Yes, at times.

23 Q. How often?

24 A. Not often, only when they don't have enough people
25 there.

1 Q. When was the last time you worked in the Dover
2 Plains restaurant?

3 A. I don't remember the date.

4 Q. Was it more than two years ago?

5 A. Yes.

6 Q. Was it more than three years ago?

7 A. Yes.

8 Q. Was it more than four years ago?

9 A. Yes.

10 Q. More than five years ago?

11 A. Yes.

12 Q. More than six years ago?

13 A. Yes. About eight years ago, more or less.

14 Q. How did you get to the Dover Plains location?

15 A. A nephew of Bill took me.

16 Q. Do you remember the nephew's name?

17 A. Jorge -- George.

18 Q. Did you work in the Dover Plains restaurant more
19 than once?

20 A. Yes.

21 Q. More than five times?

22 A. No.

23 Q. What did you do when you were there?

24 A. I washed dishes.

25 Q. Can you name for me anyone who works in the Dover

1 Plains restaurant?

2 A. No, I don't remember names.

3 Q. Do you know the name of the person who manages the
4 Dover Plains restaurant?

5 A. Yes, George.

6 Q. George Stefanopoulos?

7 A. Yes.

8 Q. How do you know that?

9 A. Because he's the nephew of Bill.

10 Q. Did you get paid for the work you did in the Dover
11 Plains restaurant?

12 A. I received the pay in Armenia.

13 Q. Did you ever travel to Dover Plains in a van?

14 A. Did I travel to Dover in a van?

15 Q. Yes.

16 A. No.

17 Q. Did you ever travel to Dover Plains in a bus?

18 A. No. George took me.

19 Q. Was there anyone else in the car with you and
20 George?

21 A. Yes.

22 Q. Who?

23 A. The man who worked there, but I don't remember his
24 name.

25 Q. Was Oscar ever in the van with you -- I'm sorry,

1 strike that.

2 Do you know if Oscar ever worked at Dover
3 Plains?

4 A. No.

5 Q. No, you don't know, or no, he didn't?

6 A. I don't know.

7 Q. Do you know if Guillermo ever worked in Dover
8 Plains?

9 A. No.

10 Q. Do you know if Arturo ever worked in Dover Plains?

11 A. No.

12 Q. Do you know if any other employees in the Amenia
13 restaurant worked in Dover Plains?

14 A. Yes, at times.

15 Q. Who?

16 A. Roberto.

17 Q. Anybody else?

18 A. Rego.

19 Q. Anybody else?

20 A. Hugo.

21 Q. How do you know that Hugo worked in the Dover
22 Plains restaurant?

23 A. Because they told me.

24 Q. You weren't there when they were working there,
25 were you?

1 A. No.

2 Q. Were you there when Roberto was working in Dover
3 Plains?

4 A. No.

5 Q. So is your knowledge based solely on what you heard
6 from Roberto, Hugo or Sergio?

7 A. Yes.

8 Q. Earlier I asked you to identify employees you
9 remembered at the Amenia restaurant. Do you recall
10 that?

11 A. Yes.

12 Q. You didn't name Roberto. Did he work in Amenia?

13 A. Yes, I said Roberto.

14 Q. Oh, you did? I missed him, then. Sorry.

15 Can you remember any of the names of the
16 waitresses who worked in Dover Plains?

17 A. No.

18 Q. Do you know how many hours any of the employees in
19 Dover Plains worked?

20 A. Yes. 12 hours, also.

21 Q. How do you know that?

22 A. Because it was 10:30 to 10:30.

23 Q. You don't even know who the employees are, do you?

24 MR. CHARNY: Objection to the form of the
25 question.

1 You can answer it if you understand.

2 A. Yes, I know them, but I don't remember their names.

3 Q. Can you tell me any person that worked in Dover
4 Plains that you know from your personal knowledge
5 worked 12 hours a day?

6 A. Yes.

7 Q. Who?

8 A. My brother.

9 Q. What's his name?

10 A. Francisco.

11 Q. Is Francisco still working for the Dover Plains
12 restaurant?

13 A. No.

14 Q. When did Francisco work for Dover Plains?

15 A. I don't remember the dates he was working.

16 Q. Was it more than two years ago?

17 A. Yes.

18 Q. Was the more than three years ago?

19 A. About three years.

20 Q. Do you know anyone other than Francisco who worked
21 in the Dover Plains restaurant?

22 MR. CHARNY: Objection to the form of the
23 question.

24 Q. Do you?

25 A. I know them but I don't remember their names.

1 Q. So as you sit here today, you can't identify anyone
2 by name other than Francisco; is that correct?

3 A. Yes. By the names, I don't remember them.

4 Q. Okay. Do you know the names or do you know the
5 people who worked there within the last two to
6 three years?

7 MR. CHARNY: Hold on a second.

8 Can you read back the question, please.

9 (The previous question was read back by
10 the Court Reporter.)

11 MR. CHARNY: Objection to the form of the
12 question.

13 Q. Do you?

14 A. No.

15 Q. The people that you do know who worked in the Dover
16 Plains restaurant worked there more than three
17 years ago?

18 A. Yes.

19 Q. What about more than four years ago?

20 A. About four years ago. That's when my brother
21 worked there. I remember a name. Jesus, he worked
22 there.

23 Q. Was that more than three years ago?

24 A. Yes.

25 Q. Was it more than four years ago?

1 A. About four or five years.

2 MS. MOORE: I need to mark that.

3 (Defendant Exhibit 5 was marked for
4 identification.)

5 MS. MOORE: We'll make copies of this on
6 a break.

7 Q. Mr. Hernandez, could you repeat what you've done on
8 Exhibits 4A and 5 for the Millerton location.

9 A. (Witness complies with request.)

10 Q. And will you mark off for me where the dining room
11 is in the restaurant?

12 A. (Witness complies with request.)

13 Q. And the kitchen?

14 A. (Witness complies with request.)

15 Q. Pizza oven?

16 A. (Witness complies with request.)

17 Q. Bathrooms?

18 A. (Witness complies with request.)

19 Q. Bar.

20 A. (Witness complies with request.)

21 Q. Door to the restaurant?

22 A. (Witness complies with request.)

23 Q. And time clock, if you know?

24 A. I don't remember.

25 Q. Okay. Do you know if they have a time clock?

- 1 A. Yes.
- 2 Q. How do you know that?
- 3 A. Because the others punched out.
- 4 Q. The others -- you saw them punch out?
- 5 A. Yes.
- 6 Q. Did you -- can you name any of the employees who
- 7 worked in the Millerton restaurant?
- 8 A. Yes.
- 9 Q. Who?
- 10 A. Salvatore. Roberto worked there. Romero worked
- 11 there. Fastino.
- 12 Q. Anyone else?
- 13 A. I don't remember.
- 14 Q. Is the Roberto you're referring to in Millerton the
- 15 same Roberto that you referred to in Amenia?
- 16 A. Yes. He's working in Millerton now.
- 17 Q. So he works there on a regular basis in Millerton?
- 18 A. No, he worked -- before he worked in Amenia; now
- 19 he's working in Millerton.
- 20 Q. So he transferred to a different restaurant?
- 21 A. Yes.
- 22 Q. Do you know when he did that?
- 23 A. I don't remember the date.
- 24 Q. How often did you work in the Millerton restaurant,
- 25 if at all?

1 A. I worked two or three days when the restaurant
2 opened.

3 Q. Is that it?

4 A. Yes.

5 Q. Do you know when the restaurant opened?

6 A. I don't remember the year exactly.

7 Q. Was it more than four years ago?

8 A. Yes.

9 Q. Do you know who the manager of the Millerton
10 restaurant is?

11 A. Right now, Salvatore is in charge.

12 Q. Do you know how much Salvatore is paid?

13 A. No.

14 Q. Do you know how much Roberto is paid?

15 A. No.

16 Q. Do you know how much Romero is paid?

17 A. No.

18 Q. Do you know how much Fastino is paid?

19 A. No.

20 Q. Do you know if Salvatore receives a check?

21 A. No.

22 Q. Do you know if Roberto receives a check?

23 A. No.

24 Q. Do you know if Romero receives a check?

25 A. No.

1 Q. Do you know if Fastino receives a check?

2 A. No.

3 Q. Mr. Hernandez, would you please do the same thing
4 you did for me -- sorry. I needed to take care of
5 housekeeping.

6 MS. MOORE: Would you mark this as
7 Exhibit 6, please.

8 (Defendant Exhibit 6 was marked for
9 identification.)

10 Q. Diagram?

11 A. (Witness complies with request.)

12 Q. I am going to briefly hand you back what's been
13 marked as Defendant's Exhibit 6.

14 Can you just identify that diagram for the
15 record?

16 A. To identify it?

17 Q. Is that a diagram that you drew of the Millerton
18 Four Brothers Pizza restaurant?

19 A. Yes.

20 Q. Thank you. On the Pleasant Valley diagram, can you
21 tell me -- you have marked the restaurant and the
22 kitchen -- is that it?

23 A. The dining room.

24 Q. Can you show me where the kitchen is?

25 A. (Witness complies with request.)

1 Q. Bathrooms?

2 A. (Witness complies with request.)

3 Q. Pizza oven?

4 A. (Witness complies with request.)

5 Q. Bar?

6 A. (Witness complies with request.)

7 It's right here.

8 Q. Door entering into the dining room?

9 A. (Witness complies with request.)

10 Q. The door from the outside into the dining room?

11 A. (Witness complies with request.)

12 Q. Time clock?

13 A. I don't remember.

14 Q. Did you ever punch a time clock in the Pleasant
15 Valley restaurant?

16 A. Not me.

17 Q. Do you know if employees punched a time clock in
18 the Pleasant Valley restaurant?

19 A. No, I don't remember.

20 Q. Did you ever work at the Pleasant Valley
21 restaurant?

22 A. At times.

23 Q. When?

24 A. In the summer.

25 Q. Summer of what year?

- 1 A. I don't remember the year.
- 2 Q. More than two years ago?
- 3 A. Yes.
- 4 Q. More three years ago?
- 5 A. Yes.
- 6 Q. More four years ago?
- 7 A. Yes.
- 8 Q. Do you know any employees in the Pleasant Valley
- 9 restaurant?
- 10 A. Yes.
- 11 Q. Who?
- 12 A. Hugo was working there -- I'm sorry. Gustavo was
- 13 working there. My brother-in-law Luis was working
- 14 there. He worked there; he's not working there
- 15 anymore.
- 16 Q. How long ago did your brother-in-law Luis work
- 17 there?
- 18 A. About four years.
- 19 Q. Is Gustavo still working?
- 20 A. That's right.
- 21 Q. How long ago did Gustavo work there?
- 22 A. About four years, also.
- 23 Q. Do you know any employees in Pleasant Valley who
- 24 have worked there in the last three years?
- 25 A. No.

1 Q. Do you know who the manager of Pleasant Valley is?

2 A. Yes.

3 Q. Who?

4 A. Andy.

5 Q. Stefanopoulos?

6 A. No.

7 Q. Is that a woman or a man?

8 A. Man. Angel was also working there.

9 Q. Was that within the last three years or longer?

10 A. More further back.

11 Q. Thank you. Do you know if Gustavo received a
12 check?

13 A. No.

14 Q. Do you know if Luis received a check?

15 A. No.

16 Q. Do you know if Angel received a check?

17 A. No.

18 Q. Do you know how many hours Gusavo worked at the
19 Pleasant Valley restaurant?

20 A. Twelve hours.

21 Q. How do you know that?

22 A. Because he told me. Yes, it was also from 10:30 to
23 10:30.

24 Q. So is it your testimony that you're basing the
25 number of hours that people worked on the number of

1 hours the restaurant was open?

2 A. Yes.

3 Q. Did anybody tell you how many hours they were
4 working in the Pleasant Valley restaurant?

5 A. Yes.

6 Q. Who?

7 A. My brother-in-law and Gustavo.

8 Q. And that was four years or more ago; correct?

9 A. Yes.

10 Q. Do you have any knowledge of the number of hours
11 that employees in Pleasant Valley have worked
12 during the last three years?

13 A. No.

14 Q. Do you know how many hours Salvatore worked at the
15 Millerton restaurant?

16 A. Yes, 12 hours also.

17 Q. Because of the number of hours the restaurant is
18 open?

19 A. Yes.

20 Q. Do you have any other knowledge, other than the
21 hours of the restaurant, that would inform your
22 knowledge of how many hours Salvatore was working?

23 MS. MOORE: Can you say that in Spanish?

24 Q. Did Salvatore tell you how many hours he was
25 working?

1 Well, was that when they were setting the
2 restaurant up to open, or was it open?

3 A. Before and after.

4 Q. Okay, thank you.

5 (Defendant Exhibit 7 was marked for
6 identification.)

7 Q. Mr. Hernandez, you've been handed what's been
8 marked Defendant's Exhibit 7 for identification
9 purposes.

10 Is that a diagram that you drew today of the
11 Pleasant Valley Four Brothers Pizza restaurant?

12 A. Yes.

13 Q. Mr. Hernandez, I'm going to ask you to do the same
14 thing you've done on the last couple of exhibits
15 for the Mahopac restaurant.

16 A. I don't know this restaurant. I never went there.

17 Q. Thank you. Do you know if William Stefanopoulos
18 has any ownership interest in that Mahopac
19 restaurant?

20 MR. CHARNY: I object to the form of the
21 question.

22 Q. Do you know if Mr. William Stefanopoulos has any
23 ownership interest in the Mahopac restaurant?

24 A. No.

25 Q. Do you know who owns the Mahopac restaurant?

1 A. No.

2 Q. Do you know who Christo Stefanopoulos is?

3 A. Yes.

4 Q. Who is it?

5 A. Brother of Bill.

6 Q. Have you seen him in the Amenia restaurant?

7 A. Yes.

8 Q. Have you ever seen him working in the Amenia
9 restaurant?

10 A. No.

11 Q. Do you know who Johnny Stefanopoulos is?

12 A. Yes.

13 Q. Who is that?

14 A. It's the son or the nephew; there's various
15 Johnnys.

16 Q. Do you know if there's a John Stefanopoulos who is
17 involved in managing the Mahopac restaurant?

18 A. No.

19 Q. You've never been to the Mahopac restaurant?

20 A. No.

21 Q. Do you know of any employees in the Amenia
22 restaurant who worked at the Mahopac restaurant?

23 A. No.

24 Q. Do you know who the manager of the Mahopac
25 restaurant is?

1 been asked and answered.

2 A. Yes. I don't know.

3 Q. Thank you.

4 Mr. Hernandez, can you draw me a diagram of
5 the Rhinebeck restaurant?

6 A. Yes.

7 Q. Can you tell me where the bathroom is?

8 A. (Witness complies with request.)

9 Q. Can you tell me where the bar is?

10 A. (Witness complies with request.)

11 Q. The pizza oven?

12 A. (Witness complies with request.)

13 Q. Oh, you got that? Okay, sorry.

14 Time clock, do you know where the time clock
15 is?

16 A. (Indicating.)

17 Q. Have you ever punched that time clock?

18 A. No.

19 Q. How do you know it's there?

20 A. Because I saw it.

21 Q. Did you ever work in the Rhinebeck restaurant?

22 A. At times.

23 Q. When?

24 A. About eight years ago.

25 Q. Do you know any employees who would have worked in

1 the Rhinebeck restaurant in the last three years?

2 A. No.

3 Q. Do you know the name of the manager of the
4 Rhinebeck restaurant?

5 A. Christo and his son John.

6 Q. Do you know if employees in the Rhinebeck
7 restaurant punched a time clock?

8 A. No.

9 Q. Do you know if employees at the Rhinebeck
10 restaurant received checks?

11 A. No.

12 Q. Do you know if employees in the Rhinebeck
13 restaurant work 12 hours a day?

14 A. Yes.

15 Q. How do you know that?

16 A. Because I worked there and it's also from 10:30 to
17 10:30.

18 Q. And the last time you worked there was when? I'm
19 sorry. More than eight years ago; is that correct?

20 A. Yes.

21 Q. Do you have any personal knowledge about the hours
22 that are being worked by employees in the Rhinebeck
23 restaurant in the last three years?

24 A. No.

25 Q. Do you know who schedules them to work?

1 A. No.

2 Q. Do you know how many breaks they get?

3 A. Only an hour for lunch.

4 Q. Is that based on when you worked there eight years
5 ago?

6 A. Yes.

7 Q. Do you have any knowledge, personal knowledge of
8 what breaks they're given in the last three years?

9 A. No.

10 Q. Do you know if employees have their lunches paid
11 for in the Rhinebeck restaurant?

12 A. No.

13 (Defendant Exhibit 9 was marked for
14 identification.)

15 Q. Mr. Hernandez, I'm handing you what's been marked
16 Exhibit 9 for identification. Is that a copy of
17 the diagram you drew for me of the Rhinebeck
18 restaurant?

19 A. Yes.

20 Q. Thank you.

21 Mr. Hernandez, could you draw me a diagram of
22 the Four Brothers Pizza restaurant in Valatie?

23 A. (Witness complies with request.)

24 Q. What have you got there so far? A kitchen?

25 A. Dining room. Bar.

1 Q. Can you diagram where the bathrooms are?

2 A. (Witness complies with request.)

3 Q. Is that the pizza oven in the middle of the
4 kitchen?

5 A. Yes.

6 Q. Okay. Do you know if that restaurant has a time
7 clock?

8 A. No.

9 Q. Is there a bar?

10 A. Yes.

11 Q. On the left side of the bottom rectangle?

12 A. Yes.

13 Q. Did you ever work in the Valatie restaurant?

14 A. At times.

15 Q. When?

16 A. Eight or nine years ago.

17 Q. Do you know any of the employees who have worked in
18 the Valatie restaurant in the last three years?

19 A. No.

20 Q. Do you know who the manager of the Valatie
21 restaurant is?

22 A. Nick.

23 Q. Nick Stefanopoulos?

24 A. Yes.

25 Q. You think he's the manager of the Valatie

1 restaurant?

2 A. When I worked there he was, but I don't know if
3 it's him or his brother.

4 Q. Do you know of anyone other than you who worked at
5 the Valatie restaurant who also worked at the
6 Amenia restaurant?

7 A. Rego sometimes worked there.

8 Q. Do you know when that was?

9 A. No, I don't remember.

10 Q. Was it more than four years ago?

11 A. Yes.

12 Q. Was it more than six years ago?

13 A. Yes.

14 Q. Do you know anyone other than Rego and yourself who
15 ever worked at the Valatie restaurant while also
16 working at Amenia?

17 A. No.

18 Q. When you worked at Valatie, how did you get there?

19 A. With Nick.

20 Q. Was anyone else with you at that time?

21 A. No.

22 Q. When you worked in the Rhinebeck restaurant, did
23 any employees of the Amenia restaurant also work
24 there with you?

25 A. No.

1 Q. Do you know of any other employees other than
2 yourself from the Amenia restaurant who also worked
3 at the Rhinebeck restaurant?

4 A. Roberto sometimes worked there.

5 Q. Was it more than four years ago that Roberto worked
6 there?

7 A. Yes.

8 Q. Was it more than six years ago?

9 A. Yes.

10 Q. When you went to the Rhinebeck restaurant, how did
11 you get there?

12 A. Chris took me.

13 Q. Chris Stefanopoulos?

14 THE INTERPRETER: Christo, I'm sorry.

15 Q. Christo?

16 A. Christo.

17 Q. Are you -- did you ever see employees of the Amenia
18 restaurant board a van to go to other restaurants
19 to work?

20 A. Did I see other people that were going -- that were
21 going to work from Amenia to other restaurants?

22 Q. Yes.

23 A. Yes.

24 Q. When?

25 A. Many years ago. I don't remember exactly.

1 Q. More than four years ago?

2 A. Yes.

3 Q. More than six years ago?

4 A. About six years.

5 Q. And where were they going, do you know?

6 A. Sometimes Millerton, Rhinebeck.

7 Q. Whose van was it?

8 A. Roberto.

9 Q. So Roberto was an employee of Four Brothers
10 restaurant?

11 A. Yes.

12 Q. So did the van, was it owned by Four Brothers?

13 A. No, Robert's.

14 Q. Did Four Brothers own a van to transport employees?

15 A. No, not for transportation.

16 Q. Did Four Brothers own a bus that transported
17 employees?

18 A. No.

19 (Defendant Exhibit 10 was marked for
20 identification.)

21 Q. Mr. Hernandez, I am going to show you what's been
22 marked as Defendant's Exhibit 10. Is that a
23 diagram of the Valatie restaurant that you drew for
24 me today?

25 A. Yes.

1 Q. Thank you. Mr. Hernandez, could you draw me a
2 diagram of the Hillsdale Four Brothers restaurant?

3 A. (Witness complies with request.)

4 Q. Can you point out to me where the kitchen is?

5 A. (Witness complies with request.)

6 Q. That's labeled in the back, and the dining room in
7 the front.

8 Can you tell me where the door to outside is?

9 A. (Witness complies with request.)

10 Q. And the bathrooms?

11 A. (Witness complies with request.)

12 Q. And the pizza oven is in the middle of the kitchen?

13 A. Yes.

14 Q. Is that small rectangle within the dining room a
15 bar?

16 A. Yes.

17 Q. Did you ever work in the Hillsdale restaurant?

18 A. At times.

19 Q. When?

20 A. About nine years ago.

21 Q. How many days did you work in the Hillsdale
22 restaurant?

23 A. I was working two weeks.

24 Q. Two weeks, for a special reason?

25 MR. CHARNY: Hold on a second.

1 THE INTERPRETER: Two weeks in a row?

2 MR. CHARNY: Consecutive.

3 THE INTERPRETER: Consecutive, in a row.

4 BY MS. MOORE:

5 Q. You worked two consecutive weeks in a row?

6 A. Yes.

7 Q. Was there a reason that you had to go to Hillsdale?

8 A. Yes. I was painting.

9 Q. You weren't making pizzas?

10 A. No.

11 Q. Was the restaurant open?

12 A. Yes.

13 Q. Is that all you did in that two-week period was
14 paint?

15 A. Yes.

16 Q. Can you tell me if the Hillsdale restaurant has a
17 time clock?

18 A. No.

19 Q. Do you know any employees who work in the Hillsdale
20 restaurant?

21 A. Yes, but I don't remember the name.

22 Q. Do you know who the manager of the Hillsdale
23 restaurant is?

24 A. No.

25 Q. Do you know of any other employees who worked at

1 the Amenia restaurant who worked in Hillsdale?

2 A. Roberto at times worked there.

3 Q. Was it more than four years ago?

4 A. Yes.

5 Q. Was it more than six years ago?

6 A. Yes.

7 Q. Other than Roberto, do you know any employees from
8 the Amenia restaurant who ever worked at Hillsdale?

9 A. No.

10 Q. How did you get to Hillsdale when you went there to
11 paint?

12 A. George took me.

13 Q. George Stefanopoulos?

14 A. Yes.

15 Q. Other than the time that you went there for two
16 consecutive weeks to paint, did you ever work in
17 the Hillsdale restaurant?

18 A. One time.

19 Q. When?

20 A. I don't remember the date.

21 Q. Was it more than six years ago?

22 A. Yes.

23 MS. MOORE: Do you want to take a break?

24 I'm almost finished.

25 I just need to mark this.

1 Q. How about Guillermo? Has he ever worked with you
2 at another employer?

3 A. No.

4 Q. Okay. Did you take any breaks during your working
5 day on the farm?

6 A. Only rest --

7 THE INTERPRETER: I think maybe you
8 should restate it.

9 MS. MOORE: Do you want me to restate it?

10 THE INTERPRETER: Yes.

11 BY MS. MOORE:

12 Q. Did you take any rest breaks during the day when
13 you were working on the farm?

14 A. No, only to eat.

15 Q. Did you take a meal break?

16 A. For food.

17 Q. How long was the meal break?

18 A. Half-hour for meals.

19 Q. Did you ever take a break when you were in the
20 restaurant working?

21 A. Only an hour for lunch.

22 Q. It was one hour for lunch at the restaurant?

23 A. Right -- maybe a half-hour.

24 Q. Did you -- were you provided with the food in the
25 restaurant?

1 MR. CHARNY: I object to the form of the
2 question.

3 Q. Did you ever see any posters in the restaurant
4 regarding working conditions?

5 A. Yes.

6 Q. Where were those posters?

7 A. In Amenia.

8 Q. Where in the Amenia?

9 A. On a side of the office door.

10 Q. Did you ever read them?

11 A. Yes.

12 Q. Do you know if your employer submitted Social
13 Security tax payments on your behalf?

14 A. If he did the Social Security for who?

15 Q. For you.

16 A. After a while, I received a W2 form for taxes.

17 Q. When was that?

18 A. I don't remember the year.

19 Q. Was it more than three years ago?

20 A. Yes.

21 Q. Was it more than six years ago?

22 A. No.

23 Q. Five years ago?

24 A. About -- yes, about five.

25 Q. Did you ever apply for unemployment benefits?

1 A. About four or five years ago, he also began to work
2 there.

3 Q. To work in the restaurant?

4 A. To help him.

5 Q. Okay, but all of these people -- William, George,
6 John and Peter -- were they directing your
7 performance of your job duties in the restaurant in
8 Amenia?

9 A. In -- yes, in Amenia in the restaurant and on the
10 farm.

11 Q. At any other restaurants in the last four years?

12 A. In the last four years, no.

13 Q. What about Christo Stefanopoulos? Did he ever
14 direct the performance of your job duties in
15 Amenia?

16 A. No.

17 Q. Did you ever see the Stefanopoulos brothers meeting
18 in the restaurant in Amenia?

19 A. Yes.

20 Q. When?

21 A. Almost daily every morning.

22 Q. Almost daily or daily?

23 A. Daily.

24 Q. Were all of the brothers there?

25 A. Yes.

1 Q. Including Christo?

2 A. Sometimes.

3 Q. Sometimes? So Christo was sometimes not there?

4 A. Yes.

5 Q. Did you ever hear their conversations in the
6 restaurant?

7 A. Yes, but they spoke in another language.

8 Q. So you couldn't understand what they were saying;
9 is that correct?

10 A. Yes.

11 Q. Do you know what they were discussing in those
12 meetings?

13 A. No, but sometimes I heard our names.

14 Q. That's all you know about those meetings?

15 A. Yes.

16 (Defendant Exhibit 13 was marked for
17 identification.)

18 Q. Mr. Hernandez, I'm handing you what has been marked
19 as Defendant's Exhibit 13.

20 Do you recognize that document?

21 A. Yes.

22 Q. Did you write the words that are on this page or
23 were they written for you?

24 MR. CHARNY: I object to the form of the
25 question.

- 1 Q. You can answer.
- 2 A. My lawyers.
- 3 Q. Thank you. Did you read this declaration before
- 4 you signed it?
- 5 A. Yes.
- 6 Q. Could you take a look at paragraph four. You can
- 7 read it in Spanish.
- 8 A. (Pause.)
- 9 Q. It's paragraph four.
- 10 A. I can't read...
- 11 Q. Four (indicating).
- 12 A. (Witness complies with request.)
- 13 Q. My question is: As you sit here today and you read
- 14 this sentence that states in English: "I regularly
- 15 worked between 60 and 72 hours per week during work
- 16 weeks when I worked for defendants," is that true?
- 17 A. Yes. I worked up to 72 hours.
- 18 Q. But not in the restaurant; correct?
- 19 A. In the two places.
- 20 Q. Correct. So you testified here today -- and I just
- 21 want to make sure that I'm clear -- that you did
- 22 not work more than 40 hours a week in the
- 23 restaurant at any time during your employment?
- 24 A. Yes, but I worked 72 hours and it's the same owner.
- 25 Q. I understand that's your position, but my question

1 is: You never worked more than 40 hours a week in
2 the Amenia restaurant; correct?

3 MR. CHARNY: This is literally the
4 seventh time you've asked the question. You
5 can answer it for the seventh time.

6 A. Yes.

7 Q. That's correct?

8 A. Yes.

9 MS. MOORE: I need a five-minute break.

10 (A break was taken in the proceedings.)

11 MS. MOORE: Just a few more questions.

12 BY MS. MOORE:

13 Q. Mr. Hernandez, during the time that you lived in
14 the house that is pictured in Defendant's
15 Exhibit 3, did you pay rent?

16 A. No.

17 Q. You testified that occasionally -- well, actually,
18 you testified that sometimes you would go to work
19 as early as 8:00 on the farm. Do you know how
20 often that happened?

21 A. Yes.

22 Q. How many times?

23 A. Two, three times a week.

24 Q. Okay. Did you ever tell Billy Stefanopoulos that
25 you couldn't cash a check?

C E R T I F I C A T I O N

I, ELLEN J. FRANKOVITCH, Shorthand
Reporter and Notary Public in and for the
State of New York, do hereby CERTIFY that the
foregoing record taken by me at the date and
place noted in the heading hereof is a true
and accurate transcript of same, to the best
of my ability and belief.


ELLEN J. FRANKOVITCH

Dated:-January 23, 2014